

WRIT PETITION NO.723 OF 2024

Babaso Sukhdev Bhosale & Ors ... Petitioners
V/s.
 Shrikrishna Duryodhan Devkate & Ors ... Respondents

Mr. Y. D. Patil, AGP, for State.

DATED : JANUARY 17, 2024

PC.:

1. **Rule.** Rule is made returnable forthwith.
2. The challenge in this writ petition is to the order passed by the Assistant Charity Commissioner – II, Sangli appointing committee consisting six persons suggested by applicants' in SNG/21655/41-C/2023 and a committee consisting three persons suggested by applicants' in SNG/21657/41-C/2023.
3. It is not in dispute that both the competing parties have applied for registration of Public Trust in relation to Shree Jakai Devi. The proposals for registration of Public Trust filed by both

the competing parties are pending with the Assistant Charity Commissioner.

4. In view of the mandate under Section 41-C of the Maharashtra Public Trusts Act, 1950 both the competing parties have applied for permission to collect money, subscription or donation. The Assistant Charity Commissioner observed that the arrangement is necessary to avoid clashes, chaos and maintain peace and order. He appointed committee consisting of persons belonging to Manewadi and Nelkaranji villages for the purpose of celebrating festival utsav. It is not in dispute that such festival is conducted after every three years. The reason for appointment of committee of villagers from Manewadi and Nelkaranji appears to be to maintain peace and order.

5. Since both the competing respondents/villagers have no enforceable rights to collect money, subscription or donation, it is necessary in the fitness of things that the Assistant Charity Commissioner – II, Sangli shall appoint a competent person from his office to conduct the festival which was directed to be performed by the committee under clause (7) of the impugned order. The person appointed by the Assistant Charity Commissioner shall perform duties under clause (9) of the impugned order and shall maintain the accounts as directed by the Assistant Charity Commissioner in the impugned order. Moreover, the entire amount and other valuables collected during festival shall be deposited with the office of Assistant Charity Commissioner in a separate account in the name Jakai Devi.

6. The Assistant Charity Commissioner shall decide the inquiry Application Nos.785 of 2013, 267 of 2015 and 2164 of 2018 filed by the competing parties for registration of Public Trust within two years from today.
7. The amount deposited by the person appointed by the Assistant Charity Commissioner by virtue of present order, shall be disbursed in favour of Trust registered by the Assistant Charity Commissioner in relation to Shree Jakai Devi.
8. With this direction, the writ petition stands disposed of. No costs.
9. Rule stands discharged in above terms.
10. The Assistant Charity Commissioner shall act on an authenticated copy of this order.

(AMIT BORKAR, J.)